IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CWP No.4154 of 2007
Date of Decision: 19.3.2007

Diwan Chand

Petitioner

versus

State of Haryana and others

Respondents

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

HON'BLE MRS. JUSTICE NIRMAL YADAV

Present: Shri Sanjay Mittal, Advocate for the petitioner

Jasbir Singh, J. (Oral)

This order will dispose of two writ petitions bearing CWP No.4154 and 4179 of 2007. Facts are being mentioned from CWP No.4154 of 2007.

Vide order dated 29.1.2004, the Collector, by exercising powers under Sections 4 and 5 of the Haryana Public Premises and Rent (Eviction and Rent Recovery) Act, 1972, ordered ejectment of the petitioner from the plot, in dispute. It was specifically held that the respondent-State is owner of that land. Appeal filed by the petitioner was also dismissed.

Before us, an attempt has been made by counsel for the petitioner, to say that the petitioner has constructed a house over the property, in dispute. To support that contention, he has failed to refer to any document on record. Furthermore, it has come on record that the petitioner, of his own, while admitting the State as owner of the property, in dispute, had moved an application, to purchase the same. The offer was accepted,

however, by stating that excess price was being demanded, he refused to purchase that property. Finding given by the appellate Court reads thus:-

> *"After perusing of the written arguments of both the parties and after perusing the record of the court below carefully it is found that the land in question which is shown in site plan as mark 'C' is the ownership of Rehabilitation Department. The appellant has not produced any evidence in the Court below from which it can be said that the land in which he is residing is not in the ownership of Rehabilitation Department. In spite of above, the father of the appellant Manohar Lal had made the application to the Tehsildar (Sales) Rewari, the photocopy of which is at page No.13 in the record of the court below. It is prayed from the Rehabilitation Department that in which plot he is living, the Rehabilitation Department is the owner of the land and he is ready to purchase on the Government rates as per the policy of the State. But he was not ready to purchase the above plot due to the higher price. The same thing has been admitted by the father of the appellant in the para No.4 of the reply given in the court below that he is ready to purchase this land @ Rs.250/- per sq.yard. The appellant has also stated that a question of title is also involved is wrong. After perusing the evidence of the court below and the application by the appellant to purchase the above land and the reply in the court below it is clear that the Rehabilitation Department is owner of the suit property and the appellant was not able to purchase the above land from the respondent. So, it is proved that the*

appellant is unauthorized possession of this land. I dismiss the appeal of the appellant after holding that the order of the Court below as legal."

Nothing has been shown to the contrary. No case is made out for interference.

Dismissed.

(Jasbir Singh)
Judge

March 19, 2007 **(Nirmal Yadav)**
gk **Judge**